

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD JOSEPH McNATT,)	
Petitioner,)	C.A. NO. 05 – 124 ERIE
)	
)	District Judge McLaughlin
JUDGE OLIVER J. LOBAUGH,)	Magistrate Judge Baxter
Respondent.)	

MOTION FOR EXTENSION OF TIME
TO FILE OPPOSITION TO OBJECTIONS TO MAGISTRATE
JUDGE’S REPORT AND RECOMMENDATIONS

1. From Tuesday, August 05, 2008 through Friday, August 15, 2008, ADA Servidio for Respondent was the Prosecutor for five (5) trials.
 - Tuesday, August 05, 2008, jury trial, Commonwealth v. Daniel McDivitt
CR No. 604-2007
 - Thursday, August 07, 2008, jury trial, Commonwealth v. John Harrison
CR No. 913-2007
 - Friday, August 08, 2008, jury trial, Commonwealth v. Larry Ward CR No.
165-2008
 - Monday and Tuesday, August 11 and 12, 2008, jury trial, Commonwealth
v. Charles McDivitt CR No. 826-2007
 - Friday, August 15, 2008, DUI trial, Commonwealth v. Ronald Knauf CR
No. 858-2007

2. Arraignment Court and Central Court (Preliminary Hearings) are scheduled for Attorney for Respondent on days when not in trial.
 - Wednesday, August 06, 2008, Central Court

- Wednesday, August 13, 2008, Central Court
 - Thursday, August 14, 2008, Arraignment Court
3. ADA Servidio for Respondent was out of office/county from Tuesday, August 19, 2008 to Monday, August 25, 2008.
 4. Attention to the above-captioned matter is important to Respondent, however, the scheduling/workload has prevented a well reasoned response and therefore, additional time is needed.
 5. Untimely filed opposition to Petitioner's objections to Magistrate Judge's R and R in no way reflects Respondent concedes Petitioner's objections are well taken.
 6. Indeed, should the Court find in accordance with the Magistrate Judge's Act and the Local Rules for Magistrate Judges that Respondent's opposition to objections is untimely filed, Respondent maintains that it should not be viewed as any type of concession.

WHEREFORE, the Respondent prays this Honorable Court grant an extension to file response to objections and/or find no concession by Respondent to Petitioner's various objections.

Respectfully submitted,

/s/ Brenda J. Servidio
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Dated: August 26, 2008